

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services-Treasuries and Accounts Department- Sri J.Rama Raghava, Sub Treasury Officer (Retd), Tiruvuru, Krishna District-Notional promotion in the category of ATO/AAO on par with his junior Sri M.Anantha Rao w.e.f.15.5.2000-Orders-Issued.

FINANCE (ADMN-III) DEPARTMENT

G.O.Rt.No. 1004

Dated:11-03-2010

Read the following:

- 1.Orders dt.3.11.2009 of the Hon'ble APAT in O.A.No.6772/2006
- 2.Lr.No.C4/19277/2006, dt.15.12.2009 of the DTA, AP, Hyderabad

ORDER:

In the reference 2nd read above, the DTA has stated that, the name of Sri J.Rama Raghava, STO (Retd), was included in the panel of ATOs/AAOs of Treasuries & Accounts department during the panel year 1999-2000 & 2000-2001 but promotion was deferred due to pending of charges against the individual framed by the erstwhile Regional Joint Director-I, Visakhapatnam vide memo dated.5.3.1999, in connection with a case of demanding bribe for payment of D.A. arrears to the pensioners, ill-treating the pensioners, picking up differences with his own subordinates and not keeping good relation with department people. Subsequently a punishment of "Censure" was also awarded to the individual by the erstwhile Regional Joint Director-I, Visakhapatnam. The individual has made an appeal to DTA, AP, Hyderabad against the punishment awarded by the erstwhile Regional Joint Director-I, Visakhapatnam. The request of the individual has been examined and felt that the charges framed against the individual were not on any material evidence, etc. and the punishment of "Censure" was set-aside vide DTA proceedings No.K2/3767/01, dt.7.8.01.

2. Consequent on setting aside the punishment orders, the individual has requested for notional promotion to the category of ATO/AAO on par with his junior Sri Anantha Rao. The individual has also filed an O.A.No.962/02 in the Hon'ble APAT, Hyderabad. In its judgment dated.6.2.02 the Hon'ble APAT Hyderabad have ordered that the applicant to make a representation to the DTA, AP, Hyderabad within two weeks from the date of receipt of the orders and on receipt of such representation the respondent shall examine the same as per rules and pass appropriate orders within a further period of eight weeks from the date of receipt of the representation.

3. The individual has submitted his representation on 17.3.03 and 17.7.03 seeking notional promotion. Govt. in Memo.No.5613/48/Admn.I.Vig/A2/04, dated.21.12.04 of Finance (Admn.I.Vig) Department has informed that as the punishment orders of 'Censure' has only been set-aside by the DTA and not exonerated the individual from the charges completely, the individual is not eligible for notional promotion to the category of ATO/AAO, on par with his junior Sri M.Anantha Rao and the same was intimated to the individual vide DTA Memo.No.C4/5683/03, dated.28.1.05.

4. Subsequently, the DTA, AP, Hyderabad vide his office Proceedings.No.K(1)3/10959/05, dated.2.12.05 issued orders to the effect that, Sri J.Rama Raghava STO (Retd), Tiruvuru is deemed to have been exonerated of the proceedings initiated against him in the RJD's Procs.No.606/98/B3, dated.2.1.01 and requested the Government to pass necessary orders on the request of Sri J.Rama Raghava, STO (Retd), for his notional promotion to the category of ATO/AAO w.e.f.15.5.2000.

5. The Government in Memo.No.6168/144/A1/Admn.III/05, dated.18.5.06 has rejected the case, stating that, the present case, the punishment was awarded by the RJD in 1999 and the appeal was considered by the DTA, Hyderabad in 2001. As per the Rule 40 of APCS (CC&A) Rules, 1991 any revision of these proceedings can be done by the Government within the period of 4 years from the date of the order which is over in 2005. Therefore, technically no further orders can be issued regarding exonerating him. Thus, the 'deeming clause' in the DTA proceedings dated.2.12.05 is not possible at this stage. The individual has submitted a representation dated.4.8.2006 to Government to consider

his request for notional promotion. Government in Memo No.21465/704/A1/Admn-III/06, dated.4.10.06 has informed that the request of Sri J.Rama Raghava, STO (Retd) has already been examined and rejected vide Government Memo dated.18.5.06 and it raises no new grounds.

6. Aggrieved by this, Sri J.Rama Raghava, Retired STO of Multizone-I, filed O.A.No.6772/06 in the Hon'ble APAT, Hyderabad requesting for notional promotion to the category of AAO/ATO on par with his junior Sri Anantha Rao. The Hon'ble APAT, Hyderabad vide orders, dated.3.11.09 in O.A.No.6772/06 have directed the Respondents to treat that the Applicant, Viz. Sri J.Rama Raghava, STO (Retd), has no stigma of any kind of punishment or disciplinary proceedings against the Applicant and that to consider the Applicant for notional promotion and seniority on par with his junior if he is otherwise eligible and qualified and pass appropriate orders treating that no disciplinary proceedings are pending against the applicant in view of setting aside the punishment of censure by the Appellate Authority.

7. After careful examination of the matter, in exercise of powers conferred under Rule 31 of A.P. State & Subordinate Service Rules, 1996, Government hereby order to assign notional date of promotion to Sri J.Rama Raghava in the category of Assistant Treasury Officer/Assistant Accounts Officer w.e.f.15.05.2000 i.e., from the date regularization of the services of Sri M.Anantha Rao who is immediate junior to him, in relaxation of Rule 33 (a) of A .P. State and Subordinate Service Rules, 1996.

8. The Director of Treasuries & Accounts, Hyderabad is requested to take further action in the matter accordingly.

9. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

L.V.SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To
The Director of Treasuries and Accounts, A.P., Hyderabad

//FORWARDED:: BY ORDER//

SECTION OFFICER